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Attorneys for TSUBURAYA

PRODUCTIONS CO. LTD.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UM CORPORATION, a Japanese
corporation,

Plaintiff,

vs.

TSUBURAYA PRODUCTIONS CO.
LTD., a Japanese corporation,

Defendant.

CASE NO. 2:15-cv-03764-AB-AJW

**TSUBURAYA'S EVIDENTIARY
OBJECTIONS TO DECLARATION
OF HIDEAKI TSUBURAYA
OFFERED IN SUPPORT OF UMC's
MOTION FOR JUDGMENT ON
THE PLEADINGS OR, IN THE
ALTERNATIVE, SUMMARY
JUDGMENT**

Judge: Hon. André Birotte, Jr.

1 TSUBURAYA PRODUCTIONS CO.
2 LTD., a Japanese corporation,

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4 Counterclaimant,

5 vs.

6 UM CORPORATION, a Japanese
7 corporation; ULTRAMAN USA, INC.,
8 a California corporation; SOMPOTE
9 SAENGDUENCHAI, a Thai individual;
10 GOLDEN MEDIA GROUP, INC., a
11 California corporation; TIGA
12 ENTERTAINMENT COMPANY,
13 LTD., a Hong Kong corporation; and
14 DOES 1-10,

15 Counterdefendants.
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Trial Date: August 22, 2017

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OBJECTIONS TO DECLARATION OF HIDEAKI TSUBURAYA

Tsuburaya Productions Co., Ltd. (“Tsuburaya”) respectfully submits the following written objections to Exhibits E and F to the Declaration of Jeffrey Wexler (Dkt. 78), which are the translated and untranslated Declaration of Hideaki Tsuburaya (“Hideaki”), offered in support of UM Corporation’s Motion for Judgment on the Pleadings Or, In the Alternative, for Summary Judgment.

Tsuburaya objects that Exhibit F, the English translation of the Hideaki Declaration, does not comply with Federal Rule of Evidence 604, which provides: “An interpreter must be qualified and must give an oath or affirmation to make a true translation.” UMC fails to lay any foundation for how or when the declaration was translated and there is no certification of its accuracy or authenticity submitted. Because of the failure to identify the interpreter and have him or her swear that the translation is true and correct, the translation is inadmissible.

Tsuburaya also objects to Exhibit E and F on the grounds of hearsay. On page 3 of the unauthenticated translation, Hideaki apparently testifies that “Mr. Manasu told us that the additional payment was necessary to deal with the situation in the litigation and he guaranteed that the additional money would be used to produce favorable judgment to TPC.” (Wexler Decl., Ex. F at UMC0000034.) This is an out-of-court statement not subject to any exception. To the extent that it is submitted for the truth of the matter, it is inadmissible.

Tsuburaya further objects to Exhibit E and F under Rule 701 on the grounds that it contains improper lay opinion and speculation. On page 4 of the unauthenticated translation, Hideaki apparently testifies that “TPC has paid at least 25 million baht to Mr. Manasu . . . in order to facilitate behind the scenes maneuvering to influence Thai court.” (Wexler Decl., Ex. F. at UMC0000035.) This is speculative in that Hideaki does not have personal knowledge that (1) 25 million baht were paid to Mr. Manasu or (2) that the money was used for “behind the scenes” influencing of Thai courts. Hideaki admits that he only can recall 10

1 million baht being paid. (*See* Wexler Declaration, Ex. F at UMC0000034 (“As I
2 recall personally, I can only remember the transfer of 10 million baht and I have no
3 further knowledge of payments made to them”).) He further admits that he and
4 others at Tsuburaya did not actually know what the money was used for. (*See*
5 Wexler Declaration, Ex. F at UMC0000035 (“People at TPC, in the end, decided
6 that they did not need to know, or anyone should know, how the transferred money
7 was used and by whom.”).) Mr. Manasu apparently told him that it was being used
8 for the litigation and would be used to produce a favorable judgment, which are
9 generic representations that any attorney would make about their legal fees and do
10 not suggest anything sordid or behind-the-scenes. Hideaki’s unsubstantiated
11 speculation that money was paid to bribe Thai officials is not rationally based on his
12 perceptions and therefore inadmissible under Rule 701.

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14 DATED: August 15, 2016

Respectfully submitted,

15 QUINN EMANUEL URQUHART &
16 SULLIVAN, LLP

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19 By /s/ Daniel C. Posner

20 Daniel C. Posner
21 Attorneys for TSUBURAYA
22 PRODUCTIONS CO. LTD.
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